

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

September 08, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: Julie Golden
DEPUTY

INFORMED CONSENT ACTION NETWORK,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION AND HEALTH AND HUMAN
SERVICES,

Defendants.

Civil Action No. 1:22-cv-481-RP

AGREED SCHEDULING ORDER

This case involves a Freedom of Information Act (“FOIA”) request that Plaintiff Informed Consent Action Network submitted to the Centers for Disease Control and Prevention (“CDC”). On May 17, 2022, Plaintiff filed this action under FOIA, 5 U.S.C. § 522, seeking to compel CDC to produce non-exempt records responsive to its FOIA request. ECF No. 1. CDC filed an answer to the complaint on June 22, 2022. ECF No. 14.

Local Rule CV-16 directs the parties in a civil case to submit a proposed scheduling order in the form prescribed by the presiding judge. However, for the reasons explained in the parties’ joint status report of August 22, 2022, FOIA cases, like this one, generally proceed differently than most civil cases, for which this Court’s form scheduling order is better suited. The parties have therefore proposed an agreed scheduling order comprising alternative deadlines relevant to the resolution of this FOIA case.

“A district court has inherent power ‘to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.’ *United States v. Colomb*, 419 F.3d 292, 299 (5th Cir. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). In light of the unique nature of FOIA cases, and given that the parties have been working together in good faith and

have agreed to the schedule below, the Court finds that there is good cause to enter the parties' proposed agreed scheduling order in lieu of the Court's form order.

Accordingly, **IT IS ORDERED** that the following deadlines compose the scheduling order in this case under Federal Rule of Civil Procedure 16(b)(1):

1. On or before **September 30, 2022**, CDC will produce its first batch of non-exempt records responsive to Plaintiff's FOIA request, as described more fully in the parties' status report of August 22, 2022.
2. On or before **October 14, 2022**, the parties will meet and confer regarding the outstanding portion of Plaintiff's FOIA request and will file with the Court a joint status report that proposes any additional deadlines that the parties determine are necessary for the resolution of this matter.

SIGNED on _____ September 8 _____, 20 22 _____.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE